

AMENDED IN SENATE AUGUST 30, 2006

AMENDED IN SENATE AUGUST 22, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 392

Introduced by Assembly Member Chan

February 11, 2005

~~An act to add Chapter 11 (commencing with Section 108935) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety. An act to add Section 7052.1 to the Public Resources Code, relating to coastal drilling.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 392, as amended, Chan. ~~Phthalates and bisphenol-A in children's products.~~ *Coastal zone drilling: leases.*

Existing law authorizes the board of supervisors, board of trustees, directors or other governing body of any county or other public or quasi-public corporation, body or agency authorized to acquire and hold real property to lease specified lands for the production of oil, gas, and other hydrocarbons or for the mining of any other minerals, as specified.

This bill would, notwithstanding any other provision of law, prohibit the State Lands Commission from approving any new lease for the slant or directional drilling of oil, gas, or other hydrocarbons within the coastal zone, as defined, if that drilling would enter any lands from the mean high tide line to three miles from the coast that have been granted to the state or another public agency in trust, including any slant or directional drilling that may originate on lands owned by the federal government.

~~Existing law prohibits the manufacture, processing, and distribution in commerce of products containing chemicals found to raise health risks, including, but not limited to, polybrominated diphenyl ether.~~

~~This bill would, commencing January 1, 2008, prohibit the manufacture, sale, or distribution in commerce of any toy or child care article that (1) is intended for use by a child under 3 years of age if that product contains bisphenol-A, (2) contains DEHP, DBP, or BBP in concentrations exceeding 0.1%, or (3) is intended for use by a child under 3 years of age if that product can be placed in the child's mouth and contains DINP, DIDP, or DNOP in concentrations exceeding 0.1%.~~

~~The bill would require manufacturers to use the least toxic alternative when replacing bisphenol-A and phthalates in their products and would prohibit manufacturers from replacing bisphenol-A and phthalates with certain carcinogens and reproductive toxicants.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7052.1 is added to the Public Resources
2 Code, to read:

3 7052.1. Notwithstanding any other provision of law, the State
4 Lands Commission may not approve any new lease for the slant
5 or directional drilling of oil, gas, or other hydrocarbons within
6 the coastal zone, as defined in Section 30103, if that drilling
7 would enter any lands from the mean high tide line to three miles
8 from the coast that have been granted to the state or another
9 public agency in trust, including any slant or directional drilling
10 that may originate on lands owned by the federal government.

11 SECTION 1. Chapter 11 (commencing with Section 108935)
12 is added to Part 3 of Division 104 of the Health and Safety Code,
13 to read:

14
15 CHAPTER 11. BISPHENOL-A AND PHTHALATES IN PRODUCTS
16 FOR YOUNG CHILDREN
17

18 108935. (a) Bisphenol-A, an estrogen-mimicking hormone
19 disrupting chemical, is used in the production of epoxy resins and

1 is the main ingredient in hard polycarbonate plastics. The plastics
2 are used in many food and drink packaging applications, and the
3 resins are commonly used to coat metal products such as food
4 cans, bottle tops, and water supply pipes.

5 (b) Bisphenol-A is used in many products intended for use by
6 young children, including, but not limited to, toys and baby
7 bottles.

8 (c) Commencing January 1, 2008, no person or entity shall
9 manufacture, sell, or distribute in commerce any toy or child care
10 article intended for use by a child under three years of age if that
11 product contains bisphenol-A.

12 (d) For the purposes of this chapter, the following terms have
13 the following meanings:

14 (1) "Child care article" means all products designed or
15 intended by the manufacturer to facilitate sleep, relaxation, or the
16 feeding of children or to help children with sucking or teething.

17 (2) "Toy" means all products designed or intended by the
18 manufacturer to be used by children when they play.

19 108940. (a) Phthalates are chemicals used to plasticize some
20 food containers, plastic wrap, and toys, and to bind fragrance to
21 shampoos, perfumes, and beauty care products.

22 (b) Phthalates have been shown to have hormone disrupting
23 effects. Nonetheless, they are used in many products intended for
24 use by young children, including, but not limited to, toys, soft
25 plastic books, and teethingers.

26 (c) Commencing January 1, 2008, no person or entity shall
27 manufacture, sell, or distribute in commerce any toy or child care
28 article that contains DEHP, DBP, or BBP in concentrations
29 exceeding 0.1 percent.

30 (d) Commencing January 1, 2008, no person or entity shall
31 manufacture, sell, or distribute in commerce any toy or child care
32 article intended for use by a child under three years of age if that
33 product can be placed in the child's mouth and contains DINP,
34 DIDP, or DNOP in concentrations exceeding 0.1 percent.

35 108945. (a) Manufacturers shall use the least toxic alternative
36 when replacing bisphenol-A and phthalates in accordance with
37 this chapter.

38 (b) Manufacturers shall not replace bisphenol-A and
39 phthalates, pursuant to this chapter, with carcinogens rated by the
40 United States Environmental Protection Agency as A, B, or C

1 carcinogens, or substances listed as known or likely carcinogens;
2 known to be human carcinogens, likely to be human carcinogens;
3 suggestive of being human carcinogens, as described in the “List
4 of Chemicals Evaluated for Carcinogenic Potential,” or known to
5 the state to cause cancer as listed in the California Safe Drinking
6 Water Act (Chapter 4 (commencing with Section 116270) of Part
7 12).
8 (e) ~~Manufacturers shall not replace bisphenol-A and~~
9 ~~phthalates, pursuant to this chapter, with reproductive toxicants~~
10 ~~that cause birth defects, reproductive harm, or developmental~~
11 ~~harm as identified by the United States Environmental Protection~~
12 ~~Agency or listed in the California Safe Drinking Water Act~~
13 ~~(Chapter 4 (commencing with Section 116270) of Part 12).~~